

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 27

MAILED

OCT 30 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHANNES F.M. D'ACHARD

Appeal No. 2002-1068
Application No. 09/022,132

ON BRIEF

Before COHEN, STAAB and McQUADE, Administrative Patent Judges.
McQUADE, Administrative Patent Judge.

DECISION VACATED


On August 30, 2002, we rendered a decision (Paper No. 24) in this appeal by Johannes F. M. D'Achard from the final rejection of claims 1 through 4 and 6 through 9. It has since come to our attention that the appellant had timely filed a reply brief (Paper No. 25) which was not matched up with the application file at the time the decision was rendered. In order to protect the interests of the appellant, and to afford ourselves the benefit

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of the viewpoints advanced in the reply brief, we hereby vacate the above noted decision and will issue a new decision in lieu thereof in due course.

VACATED

IRWIN CHARLES COHEN
Administrative Patent Judge


LAWRENCE J. STAAB
Administrative Patent Judge

BOARD OF PATENT
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JOHN P. McQUADE
Administrative Patent Judge

JPM/gjh

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